

On February 14, 2007, representatives of the American Radio Relay League (ARRL), also claiming to be known as the National Association for Amateur Radio, met with Commission Staff regarding Rulemaking RM-11306. The meeting was noticed after-the-fact as an ex-parte communication in the Commission's Electronic Comment Filing System (ECFS). As part and

parcel to that meeting, lengthy and substantial revisions to RM-11306 were submitted for Wireless Telecommunications Bureau staff to consider.

From past observations, ex-parte communications have amounted to examples where proceeding status is discussed. Ex-parte communications are a useful tool, but they are an inappropriate means to augment or revise a rulemaking and thereby evade the normal public notice and commentary provisions of Commission practice and procedure.

The submittal of numerous revisions to the original ARRL Petition at this late date begs the question of just what is ARRL's intent, if it is not to avoid public scrutiny?

The ARRL membership represents less than 25% of licensed United States amateur operators. By virtue of its membership being a minority of licensed US amateurs, it does not necessarily speak for the majority. In fact, it made absolutely no attempt to contact even its own general membership and solicit its input before composing and depositing the February 14 package. Further, based upon the overwhelming volume of opposition to RM-11306 that the Commission received during its open comment period, motive certainly may exist for ARRL to wish to suppress amateur licensee comments on this way-late and perhaps still-controversial bundle of changes.

While a quick perusal of ECFS shows that many interested parties have discovered the ARRL's Valentine's Day present, it would be patently unfair of the Commission to consider such a submittal without appropriate public notice and comment solicitation.

Therefore, I hereby MOVE that the Commission either DENY the entire ARRL Petition for Rulemaking, as submitted, in view of its attempts to revise same outside of the normal rulemaking process; or, alternatively, initiate a second rulemaking so that whatever revisions or changes ARRL wishes to inject may receive proper public notice and commentary for Commission consideration.

Respectfully Submitted this 24th day of March, 2007.

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